REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Telecommunications switches can be thought have as having two main components. One is control, which provides functions such as call set up, routing and related support functions. The other is a switching component – a switching fabric, as it is referred to in this application -- that physically performs a switching of the call traffic. The switching fabric is sometimes referred to as a "media gateway." A "media gateway controller" provides one or more control functions for the media gateway, such as call setup and routing, as well as additional support functions that, although may not be control in a strict sense, are ancillary to the functioning of the switch and permit the switch to provide additional or enhanced services. Control functions are generically referred to in this application as "call processing," since they are typically associated with calls and the tasks associated with a call being switched through the switching fabric.

One exemplary embodiment of the invention involves distributing the functions of a controller providing call processing functions among multiple nodes. Distributing processing associated with one or more of the functions on the control side of the switch to several nodes, with each node capable of providing the function, provides redundancy and allows for scaling the control side of the switch to process more calls through, for example, the simple additional of additional processing nodes. It is also always for different programs, or different versions of the same program, to be used on different nodes to perform the same process (i.e., function).

The primary reference relied upon by the examiner, Eriksson et al. (US 6,385,449), pertains to monitoring physical traffic channels, not to processing. Specifically, it pertains to monitoring the number of traffic channels in each of the cells of a cellular telephone system that are controlled by a base station controller. Eriksson et al. disclose only load monitors 234 in base station controllers (BSC) 150 and 155 that monitor the "active traffic channels with respect to a total number of traffic channels assigned to any one of the cells." Col. 3, lines 55-58. In other words, it is the base station controllers monitoring the capacity of the base stations in each cell to physically support more calls, not the cells monitoring the capacity of the controllers to provide control functions. If, for the sake of argument, one were to analogize the teachings of Eriksson et al. to the exemplary embodiment mentioned above – applicant is not, however, admitting that Eriksson et al. is analogous art -- Eriksson would

teach monitoring the number of active calls being switched by multiple switching fabrics, and the capacity of the switching fabrics to handle more calls. It does not teach monitoring processing associated with control of those calls. Indeed, Eriksson et al. employs only a single controller and thus cannot teach monitoring multiple controllers.

Applicants' broadest claims are not limited, however, to the exemplary embodiment described above. Nevertheless, they are directed to the capacity of a processing node to handle more processing work. Eriksson teaches only monitoring the number of active traffic channels being handled by base station transmitters and receivers within cells, not processing capacity of controllers for those base stations or, more generically, the capacity of a processing node to handle more processing tasks.

Therefore, the rejection under 35 U.S.C. 102(e) of independent claims 1, 11 and 21 is respectfully traversed, for the reason that Eriksson et al. does not meet each and every limitation set forth in the claims and therefore cannot anticipate them. Furthermore, it is respectfully submitted that it does not suggest the invention as defined in the claim, either by itself or in combination with the teachings of the other references of record.

The amendments to claims 1, 11 and 21, and the addition of new claims 30-35 are not being made to overcome the rejection based on Eriksson et al., or to limit the scope of the claim. Rather, the amendments to previously submitted claims emphasize only what is already present, namely that the claims concerns balancing processing among nodes that handle processing. In some respects, the amendments have broadened the claims. New claims 30-35 are directed to different aspects and allowable for at least the same reasons.

PATENT

Docket No.: 5019.7-1

Allowance of the application is respectfully requested. Please feel free to contact the undersigned representative for any assistance in placing the application in condition for allowance.

Please charge any unpaid fees and credit any overpayments due in connection with this paper to Deposit Account No. 13-4900 of Munsch Hardt Kopf & Harr, P.C.

Respectfully submitted,

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